

REMARKS

Applicants have carefully reviewed the Office Action dated April 13, 2004. Claims 1-7 and 9-14 are pending in this application. Applicants have amended Claims 1, 7 and 10 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1, 5, 7, 9-11 and 13 stand rejected under 35 U.S.C. §102(b) as being unpatentable over *Tognazzini*. This rejection is respectfully traversed with respect to the amended claims.

Independent Claims 1 and 10 are directed toward a system and method, respectively, for practicing the claimed invention. This invention is defined in the Specification beginning on page 15, first paragraph. In general, the system requires that information be downloaded to the broadcast receiver in the form of a broadcast program having embedded therein audio information. This audio information contains both advertisement content and control information. This information is decoded such that, based upon the control information, the advertisement content can be output to a computer display. Thus, an advertiser at the transmitting end of the broadcast station can control whether advertisement content is displayed on a computer.

The *Tognuzzini* reference, as described in the previous *Response*, does not provide the control information. It is the user that determines whether an advertisement is displayed or not. There is no control information embedded within the transmission; rather, all that is embedded is the content which, upon detection thereof, indicates that advertisement content was transmitted, which advertisement content is then extracted from the transmission and stored or displayed, based upon the user's preferences. Thus, the advertiser at the broadcast then has no control over what happens to the information after it is transmitted. As amended, the claims now are believed to overcome the *Tognazzini* reference in that *Tognazzini* does not disclose this embedded control aspect. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. §102(b).

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rejection with respect to independent Claims 1 and 10 and also with respect to Claims 5, 7, 9, 11 and 13, which depend therefrom.

Claims 2, 3, 4, 6, 12 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Tognazzini* in view of *McKiel*. This rejection is respectfully traversed with respect to the amended claims.

The addition of the *McKiel* reference does not disclose the control aspect wherein control information is embedded within the advertisement information which is comprised of both content and control information. As such, Applicants therefore respectfully request the withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claims 2, 3, 4, 6, 12 and 14.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,736 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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